

Serial No. 10/527,527

Remarks

Claims 1-13 and 15-16 are pending in the present application.

In the Office Action dated May 1, 2006, the Examiner states Claims 1-31 are pending in the application and Claims 1-31 are subject to a restriction requirement under 35 U.S.C. 121 and 372. The Examiner stated the following groups were exemplary:

Group I: claim(s) 1-11, 14 and 16 (in part) and the whole of claims 12 and 15, drawn to compounds of formula I characterized by X being limited to -S-.

Group II: claim(s) 1-11, 14 and 16 (in part) and the whole of claim 13, drawn to compounds of formula I characterized by X being limited to -CH=CH-.

Group III: claims 17-31 drawn to various methods of use of the compounds of formula I.

The Examiner further stated the Applicant may choose to elect a single invention by identifying another specific embodiment not listed in the exemplary groups of the invention and the Examiner would endeavor to group the same. Applicant could, alternatively, choose to elect a specific compound and the Examiner will attempt to group it.

Applicant elects the invention of Group II. Although Applicant does not believe an election of a single species is required by the May 1, 2006 Office Action, in the interest of facilitating examination and prosecution of the present application, Applicant further elects, within the compounds of Group II, the compound of Claim 15, which is also the compound of Example 9.

Applicant respectfully brings the Examiner's attention to a Preliminary Amendment filed contemporaneously with the National Phase Filing on March 11, 2005, of PCT/IB2003/026304, which is the present application. The Preliminary Amendment is listed by the PAIR system as being of record in the present application. Among other amendments to the claims, the Preliminary Amendment cancelled Claims 14 and 17-39.

The Examiner will appreciate the claims cancelled by the Preliminary Amendment corresponds exactly to Applicant's statement of the claims pending in the present application.

Applicant does not understand the Examiner's statement that Claims 1-31 are pending in the present application. It is believed, however, the claims cancelled by the Preliminary Amendment overcome this matter.

Serial No. 10/527,527

Applicant requests early and favorable consideration of the present application.

Respectfully submitted,



John C. Demeter
Attorney for Applicants
Registration No. 30,167
Phone: 317-276-3785

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288

May 18, 2006